



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
VALE DISTRICT
100 Oregon Street
Vale, Oregon 97918
<http://www.or.blm.gov/Vale/>



Documentation of Land Use Plan Conformance and NEPA Adequacy Approving Temporary Nonrenewable Grazing Applications in the West Cow Creek Allotment Determination of NEPA Adequacy (DNA)

Office: Jordan Field Office

Tracking Number: DOI-BLM-OR-V060-2014-01-DNA

Proposed Action Title/Type: Approval of Applications to Graze Forage Temporarily Available within the West Cow Creek Allotment for the 2013 Fall Season

Location: See attached map

A. Describe the Proposed Action

Background

Nonrenewable grazing permits may be issued on an annual basis to qualified applicants when forage is temporarily available, provided this use is consistent with multiple-use objectives and does not interfere with existing livestock operations on the public lands.

The holders of grazing permits within the West Cow Creek allotment have, on an annual basis, applied for Temporary Nonrenewable (TNR) grazing permits for decades. In 1999 the BLM prepared EA OR-030-99-022 as a result of applications to graze within the West Cow Creek allotment. Applications are consistent with the amount of suspended use that has resulted from reductions made to the permits beginning in 1964. The amount of suspended use is specified on permits and has been since that time.

Planned Actions

Field visits to the West Cow Creek allotment conducted this year (2013) indicate that pastures seeded to crested wheatgrass and to be used for TNR have received none to light grazing utilization this spring or summer. Crested wheatgrass, if not grazed for a period of years, or if the plants repeatedly receive slight to light grazing use will soon become unpalatable for grazing. The carryover forage, primarily seedstalks, begins to accumulate over the years and soon become unpalatable. Therefore, cattle will not use them, preferring instead to graze more palatable plants that have been grazed earlier in the year or the previous year. However, some grazing can occur in the fall or winter when the palatability of the old forage improves with increased moisture content due to increased rainfall and humidity. Grazing at this time can reduce the amount of standing dead herbaceous material.

The proposed action is to issue temporary nonrenewable (TNR) grazing authorizations to the holders of grazing permits within the West Cow Creek allotment. All pastures within the West Cow Creek allotment where TNR grazing use is to occur have been previously seeded to crested wheatgrass.

There is an abundance of unpalatable crested wheatgrass plants. TNR grazing has been issued in the past to improve the overall health of the seedings. It has reduced the unpalatable standing vegetation. It is BLM's concern that minimal use will result in additional decadent plants and a decrease in forage production and health. The crested wheatgrass plants would be mostly dormant during the period of use thus no impacts to vigor or future reproduction would be expected. The authorizations would be issued for temporary grazing within the crested wheatgrass seedings of the West Cow Creek Allotment (#20902). The proposed action would be to authorize up to an additional 2,306 AUM's (approximately 20% of permitted use) from October 28, 2013, to December 15, 2013. The 2,306 AUMs are equal to the total amount of suspended use held by the West Cow Creek permittees.

B. Land Use Plan (LUP) Conformance

LUP Name Southeastern Oregon Resource Management Plan (SEORMP) Date Approved 2002

☐ The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

The LUP's, Management Decisions section lists the LUP objectives. On page 56 under the Rangeland/Grazing Use section it states the objective is to; "Provide for a sustained level of livestock grazing consistent with other resource objectives and public land use allocations." On page 59 and 60 management actions to achieve the objective are listed. One such action is,

Temporary nonrenewable grazing use (TNR) may be authorized to make additional forage available to livestock operators in a year of favorable growing conditions, consistent with meeting resource objectives. Additionally, TNR may be authorized to facilitate meeting vegetation management objectives (such as reducing competition from undesirable annual species with desirable perennial species or reducing the quantity of standing dead herbaceous material in nonnative seedings while continuing to meet resource objectives). The following criteria shall be the basis for timely processing of applications for nonrenewable grazing authorization during the current grazing year in excess of the number of Animal Unit Months (AUMs) or outside the period identified in a current grazing permit:

- The area does not include lands managed under special designations such as wilderness, WSA's, ACEC/RNA's, administratively suitable or designated NWSR's;
- The area does not include riparian communities where PFC assessment is functional at risk with a static or downward trend or nonfunctional, or similar outcomes of other approved riparian assessment techniques, due to livestock grazing;
- The pasture is not scheduled to be rested during the subject grazing year;
- Utilization monitoring indicates the presence of a surplus of available forage or recent climatic conditions which contribute to production lead to the reasonable expectation that available forage is greater than the long term average levels on which authorized active use is permitted and where utilization levels, as a result of authorized active and TNR use, will not limit meeting resource objectives;
- Where negative or adverse impacts, including indirect impacts, to any of the following critical elements of the human environment, as identified in manual guidance implementing NEPA , will not be present or will be mitigated: air

quality, ACES's cultural resources, prime or unique farmland, floodplains native American religious concerns, threatened and endangered species, hazardous and solid wastes, water quality, wetlands or riparian zones, designated NWSR's wilderness, or WSA's;

C. Identify applicable NEPA documents and other related documents that cover the proposed action.

List by name and date all applicable NEPA documents that cover the proposed action.

Environmental Assessment EA #OR-030-99-022

Proposed Southeastern Oregon Resource Management Plan and Final Environmental Impact Statement, April, 2001

Southeastern Oregon Resource Management Plan and Record of Decision, 2002

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Documentation of answer and explanation: The current proposed action is exactly the same as the proposed action analyzed in Environmental Assessment OR-030-99-022.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, and resource values?

Documentation of answer and explanation: Environmental Assessment OR-030-99-022 analyzes the proposed action to approve the TNR applications and a no action alternative which would correspond with denying the applications.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, and updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Documentation of answer and explanation: There is no significant new information or circumstances that would warrant additional analysis. Environmental Assessment OR-030-99-022 comprehensively analyzes the proposed action. Two issues are specifically described below that may be considered new information or circumstances.

Since finalization of the 1999 EA, two issues have arisen which have the potential to affect land management within the planning area. The first is the 2010 USFWS finding that Greater Sage-Grouse are "warranted but precluded" for listing under the ESA (75 FR 13910 – 14014; 03/23/2010). Following this,

in December, 2011, the BLM issued Instruction memorandum 2012-043 which provides interim management policies and procedures for Greater Sage-Grouse. Also released in December, 2011 was the BLM's *A Report on National Greater Sage-Grouse Conservation Measures* developed by the BLM's National Technical Team on Greater Sage-Grouse.

The proposed action conforms to the Interim Management guidelines. Grazing would occur outside Greater Sage-Grouse preliminary priority habitat. Grazing would occur in previously altered rangelands (crested wheatgrass seedings) that lack many of the features necessary to be considered acceptable sage-grouse habitat. However, some grazing may occur in designated preliminary general habitat (see attached maps) but such action would meet the requirements of the Interim Management guidelines. This action would not substantially change through additional analysis.

The second issue was the finalization of a Settlement Agreement between the BLM and the Oregon Natural Desert Association through the Ninth Circuit Court of Appeals (*ONDA v. BLM*, 531 F.3d 1114 (9th Cir. 2008)). In part, the Settlement Agreement identified a need to update the BLM's inventory of wilderness characteristics resources within the SEO planning area, but outside of existing WSAs and Wilderness. This inventory has been completed. The Settlement Agreement also required the BLM to analyze the effects of any proposed projects on the identified wilderness characteristics.

The approval of the grazing applications for TNR does not violate the settlement agreement since the areas to be graze lie outside lands with wilderness characteristic and grazing use levels were not part of the Settlement Agreement.

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?

Documentation of answer and explanation: The methodology and analytical approach used in EA-303-99-022 would continue to be appropriate for the proposed action.

5. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Documentation of answer and explanation: Direct and indirect impacts of the proposed action are substantially the same as those analyzed in the proposed action and SEORMP. Cumulative impacts of the proposed action are substantially the same as those analyzed in the SEORMP.

6. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Documentation of answer and explanation: The EA and SEORMP were analysis documents reviewed by a diverse representation of publics, including federal, state and local agencies as well as private entities.

E. Interdisciplinary Analysis:

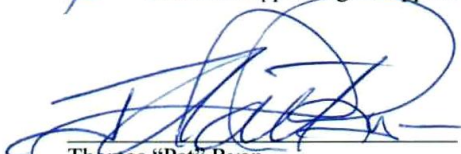
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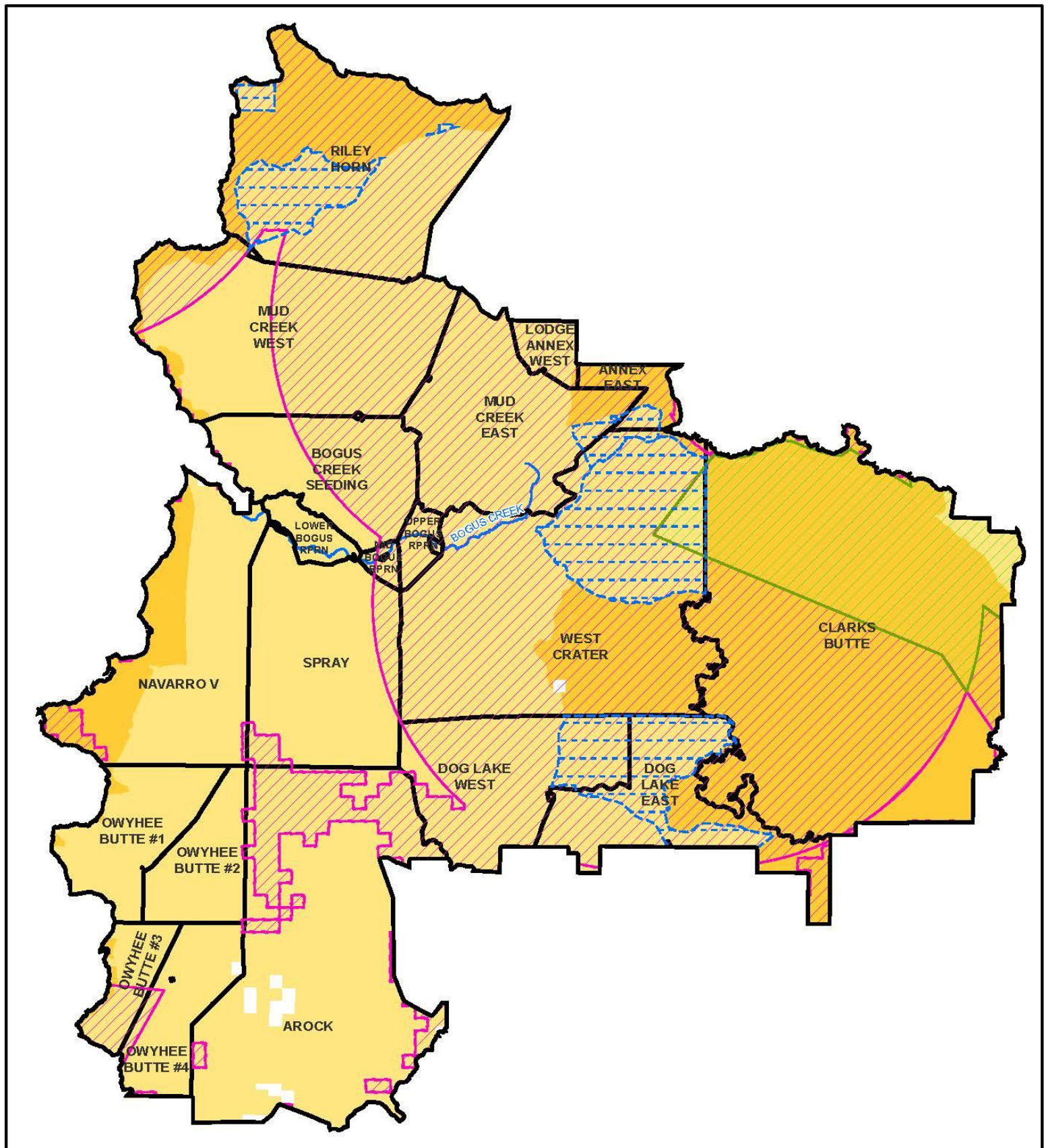
F. Conclusion

- ☒ Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan, and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.
- ☒ Decisions approving the application of TNR will be issued.

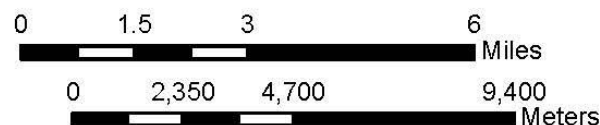

Thomas “Pat” Ryan
Malheur/Jordan Field Manager
10/24/13
Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision.

West Cow Creek Allotment



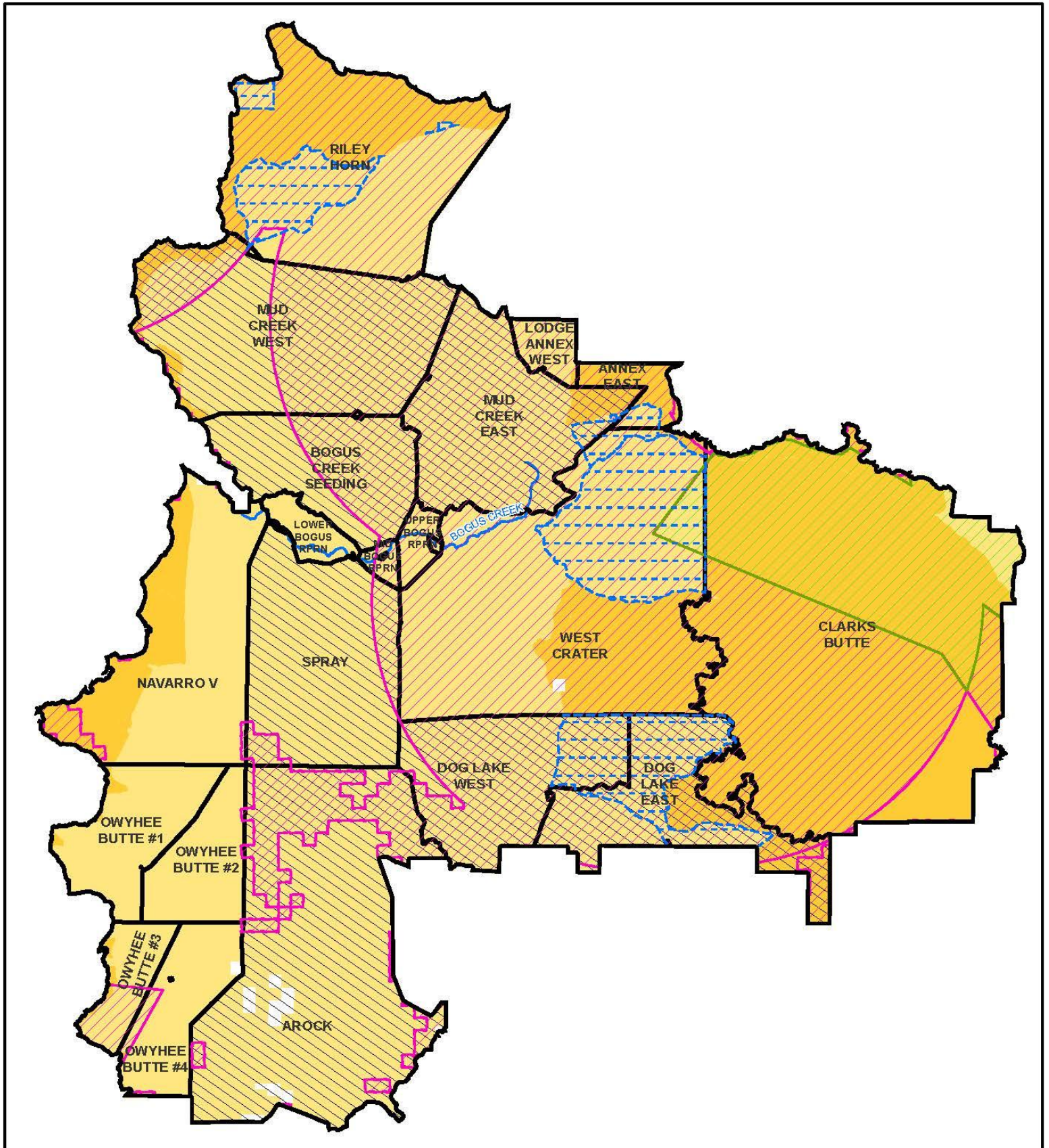
- Legend**
- Pasture
 - Allotment
 - Wilderness Characteristics
 - Preliminary General Habitat
 - Preliminary Priority Habitat
 - Streams
 - Wilderness Study Area
 - Bureau of Land Management
 - Bureau of Reclamation
 - Private



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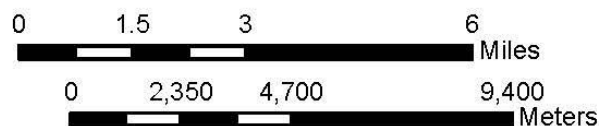
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West Cow Creek Allotment Temporary Non-renewable Use



Legend

- Pasture - TNR Use
- Pasture
- Allotment
- Wilderness Characteristics
- Preliminary General Habitat
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- Streams
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- Bureau of Land Management
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